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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/976,135

Applicant(s)

STANLEY ET AL.

Examiner

David J Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is over 150 words in length.

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities: on page 9 line 9 and page 10 lines 3, 6 and 16 reference numeral "49" which is disclosed is not shown in the drawing figures.

Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 49. A proposed

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drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claims 7, 16 and 31 are objected to because of the following informalities: on page 14 line 9, page 16 line 7 and page 19 line 19 "frustroconical" should be - -frustoconical- -.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "gatherers" in referring to the gripper on page 15 line 19. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8-12, 17-20, 23-28, 30, 32-34 and 38-39 are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,612,684 to Kollross.

Referring to claims 1 and 25, Kollross discloses an apparatus for automatically stuffing tubular food casing with food product which comprises a stuffing horn – at 12 which food product flows into tubular food casing deshirred from a shirred food casing stick on the stuffing horn, an input end of the stuffing horn being interconnected with a pressurized source of food product, a clipping device – at 18 for closing stuffed food casing with a clip - 92, a means for causing a tape – see figures 3-10, holding lengths of string having end portions secured together to form string loops - 34, to be directed toward the clipping device – 18 for closing an end of the food casing so that a string loop – 34 is transferred directly from the tape into an entry into a slot – see figure 3 where the slot is the slotted portion of jaw – 76, in the clipping device so that when the end of the food casing is closed with the clip, the clip draws the loop to the casing and holds the loop to the food casing between a major portion of the loop and the secured together end portions of the string – see for example figures 1-11.

Referring to claims 2 and 26, Kollross discloses the means for causing the tape to be directed toward the clipping device comprises a plurality of rolls including a tape supply roll, a drive roll, a take-up roll and at least one intermediate roll – 100 which is proximate the entry so that the secured together end portions of a string project from the tape into the entry into the slot

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as the tape passes around the intermediate roll – 100 – see for example figures 3 and 7. The supply roll, drive roll, and take-up roll are inherent in that as seen in figures 3 and 7 the tape is supplied to roll – 100 and then is removed in a path from roll – 100, so therefore a supply roll and a take-up roll are needed and a drive roll is needed to power the supply, intermediate and take-up rolls so that the loops are conveyed to the clipping device – at 18.

Referring to claims 3 and 27, Kollross discloses a means to drive the drive roll – the drive means is inherent since the drive roll is powered by some means to drive the loop forming mechanism.

Referring to claims 4 and 28, Kollross discloses an edge – the end portion of jaw – 76 as seen in figures 3 and 7, for catching secured together end portions of a string loop – 34 as it passes around the intermediate roll to cause the secured together portions of the string to protrude from the tape into the entry to the slot and to assist in removal of the string loop – 34 from the tape – see for example figures 3 and 7.

Referring to claims 6 and 30, Kollross discloses loop is secured via a knot – see figures 1-11.

Referring to claims 8 and 32, Kollross discloses means is provided to radially compress the stuffed food casing to cause a restricted location along a stuffed food casing length, the clipping device being configured to clip the casing at the restricted location – see for example figures 1-11.

Referring to claims 9 and 33, Kollross discloses a punch is provided for forcing a clip against a clip anvil to bend the clip around the restricted portion of the casing in the form of a helix – see for example figures 1-11.

Referring to claims 10, 18, 34 and 39, Kollross discloses two punch surfaces are provided to apply two spaced apart clips to the restricted location in the shape of mirror image helixes and a knife – 94 is provided to cut the casing between the applied clips – see for example figures 1-11.

Referring to claims 11 and 20, Kollross discloses a housing is provided having a channel for travel of the punch and an external punch slot is provided for easy access to the channel for easily replacing the punch – see for example figures 1-11.

Referring to claims 12, 19 and 24, Kollross discloses access to the knife is provided so that it can be easily replaced without disassembly of the clipping device – see for example figures 1-11.

Referring to claims 17 and 38, Kollross discloses an apparatus for automatically stuffing tubular food casing with food product which comprises a stuffing horn – at 12 which food product flows into tubular food casing deshirred from a shirred food casing stick on the stuffing horn, an input end of the stuffing horn being interconnected with a pressurized source of food product, a clipping device – at 18 for closing stuffed food casing with a clip - 92, wherein means is provided to radially compress the stuffed food casing to cause a restricted location along a stuffed food casing length, the clipping device being configured to clip the casing at the restricted location and a punch and anvil are provided and configured so that the punch forces a clip against the clip anvil to bend the clip around the restricted portion of the casing in the form of a helix – see for example figures 1-11.

Claims 21 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,885,150 to Whittlesey. Whittlesey discloses an apparatus for automatically stuffing tubular

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food casing with food product which comprises a stuffing horn through which food product flows into tubular food casing deshirred from a shirred food casing stick on the stuffing horn, an input end of the stuffing horn being interconnected with a pressurized source of food product, a clipping device for closing stuffed food casing with a clip – 16, 18, wherein a conveyor – see figures 2-3 is provided to remove stuffed food product from the vicinity of the clipping device after stuffed food casing is closed, the conveyor comprising a conveying belt, the belt traveling over slacker idler rollers – at 50 and 68 beneath the conveying surface of the belt that permit the length of the conveying surface to be extended and retracted to extend and reduce a space between the clipping device and the conveying surface – see for example figures 1-4 and columns 1-5.

Referring to claim 23, Kollross discloses an apparatus for automatically stuffing tubular food casing with food product which comprises a stuffing horn – at 12 which food product flows into tubular food casing deshirred from a shirred food casing stick on the stuffing horn, an input end of the stuffing horn being interconnected with a pressurized source of food product, a clipping device – at 18 for closing stuffed food casing with a clip - 92, wherein two punch surfaces are provided to apply two spaced clips to the restricted location in the shape of mirror image helixes and a cutting means – 94 is provided to cut the casing between the applied clips – see for example figures 1-11.

***Claim Rejections - 35 USC § 103***



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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kollross as applied to claims 4 and 28 above, and further in view of U.S. Patent No. 5,842,915 to Plewa et al. Kollross further discloses the secured together end portions of the string loop are directed into the slot. Kollross does not disclose an air source directs the loop into the slot. Plewa et al. does disclose an air source directs the loop into the slot – see for example figures 1-8 and columns 1-7. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross and add the air source to direct the loop of Plewa et al., so as to ensure the loop is moved into the correct position thus making the device as efficient as possible.

Claims 7 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kollross as applied to claims 1 and 25 above, and further in view of U.S. Patent No. 4,949,429 to Stanley. Kollross does not disclose an input end of the stuffing horn is interconnected with a pressurized source of food product through a food product cut-off valve comprising a tapered valve seat having a frustoconical tapered side wall and having opposing inlet and outlet openings in the side wall, the valve further comprising a frustoconical plastic insert tapered to mate with the tapered valve seat for insertion into the valve seat, the plastic insert having a longitudinal axis and a hole passing through the insert perpendicularly to the longitudinal axis in a position such that it may be rotated to cause the hole to align with the opposing inlet and outlet openings to permit food product to pass through the inlet opening in the valve seat, through the hole in the insert and

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through the outlet opening in the valve seat to the stuffing horn and may also be rotated to cause the hole to become misaligned with the inlet and outlet openings to impede the flow of food product to the stuffing horn. Stanley does disclose an input end of the stuffing horn – 14 is interconnected with a pressurized source of food product through a food product cut-off valve – at 6 comprising a tapered valve seat – at 7 and 25 having a frustoconical tapered side wall and having opposing inlet and outlet openings in the side wall – see for example figure 2, the valve further comprising a frustoconical plastic insert – at 6 tapered to mate with the tapered valve seat for insertion into the valve seat, the plastic insert having a longitudinal axis and a hole passing through the insert perpendicularly to the longitudinal axis in a position such that it may be rotated to cause the hole to align with the opposing inlet and outlet openings to permit food product to pass through the inlet opening in the valve seat, through the hole in the insert and through the outlet opening in the valve seat to the stuffing horn and may also be rotated to cause the hole to become misaligned with the inlet and outlet openings to impede the flow of food product to the stuffing horn – see for example figures 1-3. Kollross as modified by Stanley does not disclose the insert is made of plastic, however this is an obvious matter of design choice since applicant does not state that making the insert of plastic solves a particular problem or is used for any particular purpose as opposed to other materials. Further Kollross as modified by Stanley does not disclose the hole passing through the insert is exactly perpendicular to the longitudinal axis of the valve seat as seen in figure 2 of Stanley, however it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross as modified by Stanley and add the hole passing through the insert is perpendicular to the longitudinal axis of the valve seat since this is an obvious matter of design choice since the apparatus of Kollross as

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modified by Stanley would perform equally as well with the hole being perpendicular to the longitudinal axis as seen in figure 2 of Stanley. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross and add the cut-off valve of Stanley, so as to make the apparatus adjustable and easier to control since the flow of the sausage is controlled by the valve.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kollross as applied to claim 1 above, and further in view of U.S. Patent No. 4,437,209 to Duroyon. Kollross further discloses the clipping device is of sufficiently lightweight and is driven by a sufficient power source to obtain a clipping cycle – see for example columns 1-7. Kollross does not disclose the clipping device is of sufficiently lightweight and is driven by a sufficient power source to obtain a clipping cycle of less than 3 seconds. Duroyon does disclose the clipping cycle is less than 3 seconds – see for example column 9 lines 57-68 and column 10 lines 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross and add the clipping cycle time less than 3 seconds of Duroyon, so as to allow for the apparatus to be more efficient in that it can close off more sausage casings in a short amount of time.

Claims 14-15 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kollross as applied to claim 1 above, and further in view of U.S. Patent No. 5,885,150 to Whittlesey.

Referring to claims 14 and 35, Kollross further discloses a conveyor – 22 is provided to remove stuffed food product from the vicinity of the clipping device – at 18 after stuffed food casing is closed, the conveyor comprising a conveying belt and the belt traveling over rollers beneath the conveying surface of the belt – see for example figures 1-11. Kollross does not

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disclose the belt travels over slacker idler rollers so as to be extended and retracted to extend and reduce a space between the clipping device and the conveying surface. Whittlesey does disclose the belt travels over slacker idler rollers – at 50 and/or 66, so as to be extended and retracted to extend and reduce a space between the clipping device and the conveying surface – see for example figures 1-4 and columns 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross and add the retractable conveyor of Whittlesey, so as to make the apparatus more flexible in that it can handle sausages of differing sizes.

Referring to claims 15 and 36, Kollross as modified by Whittlesey further discloses means is provided to cause the conveyor to retract to increase the space when gatherers for the clipping device are operating to gather stuffed food casing to form a radial restriction in the stuffed food casing and to extend to reduce the space and place the conveying surface near the clipping device when the gatherers are dormant – see for example figures 1-4 and columns 1-5 of Whittlesey. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross as modified by Whittlesey and further add the conveyor extending and retracting in relation to the clipping device of Whittlesey, so as to make the apparatus more flexible in that it can handle sausages of differing sizes.

Claims 16 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanley in view of Kollross. Stanley discloses an apparatus for automatically stuffing tubular food casing with food product which comprises a stuffing horn – at 14 through which food product flows into tubular food casing deshirred from a shirred food casing stick on the stuffing horn, an input end of the stuffing horn being interconnected with a pressurized source of food product, wherein the stuffing horn – at 14 is interconnected with a pressurized source of food product through a food

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product cut-off valve at 6 comprising a tapered valve seat – at 7 and 25 having a frustoconical tapered side wall and having opposing inlet and outlet openings in the side wall – see for example figure 2, the valve further comprising a frustoconical plastic insert – at 6 tapered to mate with the tapered valve seat for insertion into the valve seat, the plastic insert having a longitudinal axis and a hole passing through the insert perpendicularly to the longitudinal axis in a position such that it may be rotated to cause the hole to align with the opposing inlet and outlet openings to permit food product to pass through the inlet opening in the valve seat, through the hole in the insert and through the outlet opening in the valve seat to the stuffing horn and may also be rotated to cause the hole to become misaligned with the inlet and outlet openings to impede the flow of food product to the stuffing horn – see for example figures 1-3. Stanley does not disclose the insert is made of plastic, however this is an obvious matter of design choice since applicant does not state that making the insert of plastic solves a particular problem or is used for any particular purpose as opposed to other materials. Further, Stanley does not disclose the hole passing through the insert is exactly perpendicular to the longitudinal axis of the valve seat as seen in figure 2 of Stanley, however it would have been obvious to one of ordinary skill in the art to take the apparatus of Stanley and add the hole passing through the insert is perpendicular to the longitudinal axis of the valve seat since this is an obvious matter of design choice since the apparatus of Stanley would perform equally as well with the hole being perpendicular to the longitudinal axis as seen in figure 2 of Stanley. Further Stanley does not disclose a clipping device for closing stuffed food with a clip. Kollross does disclose a clipping device – at 18 for closing stuffed food with a clip – 92. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Stanley and add the clipping device of

Kollross, so as to allow for the user of the apparatus to quickly close the food product in the food casing thus allowing for less leakage and waste of the food product.

Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kollross in view of Duroyon. Kollross discloses an apparatus for automatically stuffing tubular food casing with food product which comprises a stuffing horn – at 12 which food product flows into tubular food casing deshirred from a shirred food casing stick on the stuffing horn, an input end of the stuffing horn being interconnected with a pressurized source of food product, a clipping device – at 18 for closing stuffed food casing with a clip – 92, wherein the clipping device is of sufficiently light weight and is driven by a sufficient power source to obtain a clipping cycle – see for example columns 1-7. Kollross does not disclose the clipping device is of sufficiently lightweight and is driven by a sufficient power source to obtain a clipping cycle of less than 3 seconds. Duroyon does disclose the clipping cycle is less than 3 seconds – see for example column 9 lines 57-68 and column 10 lines 1-5. Therefore it would have been obvious to one of ordinary skill in the art to take the apparatus of Kollross and add the clipping cycle time less than 3 seconds of Duroyon, so as to allow for the apparatus to be more efficient in that it can close off more sausage casings in a short amount of time.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to food casing stuffing devices in general:

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U.S. Pat. No. 3,860,996 to Kupcikevicius et al. – shows stuffing and clipping

U.S. Pat. No. 4,165,593 to Niedecker – shows apparatus to attach loops to sausage

U.S. Pat. No. 4,675,945 to Evans et al. – shows double clipping device

U.S. Pat. No. 4,766,713 to Evans – shows retractable conveyor

U.S. Pat. No. 4,796,332 to Stanley – shows clipping device forming helical clip

U.S. Pat. No. 4,969,233 to Stanley – shows loop forming apparatus

U.S. Pat. No. 5,067,313 to Evans – shows stuffing apparatus with loop former

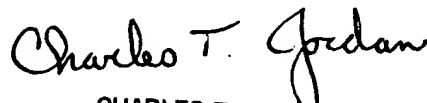
U.S. Pat. No. 5,215,495 to Crevasse – shows loop forming

U.S. Pat. No. 5,238,444 to Schwimmer et al. – shows loop forming apparatus

FR Pat. No. 2638942 to Bertoli et al. – shows meat products hung from a loop

9. Any inquiry concerning this communication from the examiner should be directed to David Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574.

  
CHARLES T. JORDAN  
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